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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

EDWARD WHEELER, an individual,

Plaintiff,

vs.

CITY OF HENDERSON, a Nevada
Municipal Corporation; CITY OF NORTH
LAS VEGAS, Nevada, a Municipal
Corporation; and SERGEANT TRAVIS
SNYDER, individually and in his official
capacity as a North Las Vegas Police
Sergeant,

Defendants.

Case. No.: 2:15-cv-01772-JCM-CWH

**STIPULATION TO EXTEND
DISCOVERY DEADLINES SET
FORTH IN SCHEDULING ORDER
[ECF No. 54]**

(Third Request)

Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court extend discovery in the above-captioned case sixty (60) days, up to and including **Friday, June 8, 2018**. In addition, the parties request that the dispositive motions and pretrial order deadlines be extended for an

additional sixty (60) days as outlined herein. In support of this Stipulation and Request, the parties state as follows:

DISCOVERY COMPLETED TO DATE

1. On September 15, 2015, this action was commenced by Plaintiff Edward Wheeler filing of this Complaint and Jury Demand (ECF No. 1).

2. On December 11, 2015 Plaintiff Edward Wheeler filed his Amended Complaint (ECF No. 5).

3. On January 5, 2016, Defendant City of Henderson filed its Motion to Dismiss Amended Complaint (ECF No. 17).

4. On August 1, 2016, Plaintiff Edward Wheeler filed his Second Amended Complaint (ECF No. 25).

5. On December 21, 2016, Plaintiff Edward Wheeler filed his Third Amended Complaint (ECF No. 30).

6. On January 10, 2017, Defendant City of Henderson filed its Motion to Dismiss Third Amended Complaint (ECF No. 34).

7. On January 18, 2017, Defendants City of North Las Vegas and Sergeant Travis Snyder filed their Answer to Third Amended Complaint and Demand for Jury Trial (ECF Nos. 35 and 37).

8. On March 10, 2017, Plaintiff Edward Wheeler propounded his First Set of Requests for Production of Documents to Defendant City of Henderson.

9. On March 10, 2017, Plaintiff Edward Wheeler propounded his First Set of Requests for Production of Documents to Defendant City of North Las Vegas.

10. On March 10, 2017, Plaintiff Edward Wheeler propounded his First Set of Interrogatories to Defendant City of Henderson.

11. On March 10, 2017, Plaintiff Edward Wheeler propounded his First Set of Interrogatories to Defendant City of North Las Vegas.

12. On March 14, 2017, the Stipulated Discovery Plan Discovery Plan and Scheduling Order was filed (ECF No. 46).

- 1 13. On March 14, 2017, Plaintiff Edward Wheeler propounded his Second Set
2 of Interrogatories to Defendant City of Henderson.
- 3 14. On March 14, 2017, Plaintiff Edward Wheeler propounded his Second Set
4 of Interrogatories to Defendant City of North Las Vegas.
- 5 15. On March 20, 2017, Defendants City of North Las Vegas and Sergeant
6 Travis Snyder produced their Initial Disclosures of Production of Documents.
- 7 16. On March 21, 2017, Plaintiff Edward Wheeler produced his Initial
8 Disclosures of Production of Documents.
- 9 17. On March 21, 2017, Defendant City of Henderson produced its Initial
10 Disclosures of Production of Documents.
- 11 18. On April 10, 2017, Defendant City of Henderson responded to Plaintiff
12 Edward Wheeler's First Set of Requests for Production of Documents.
- 13 19. On April 10, 2017, Defendant City of Henderson responded to Plaintiff
14 Edward Wheeler's First Set of Interrogatories.
- 15 20. On April 13, 2017, Defendant City of Henderson responded to Plaintiff
16 Edward Wheeler's Second Set of Interrogatories.
- 17 21. On April 13, 2017, Defendant City of Henderson produced its First
18 Supplement to Initial Disclosures of Production of Documents.
- 19 22. On May 5, 2017, Defendant City of North Las Vegas responded to Plaintiff
20 Edward Wheeler's First Set of Requests for Production of Documents.
- 21 23. On May 5, 2017, Defendant City of North Las Vegas responded to Plaintiff
22 Edward Wheeler's First Set of Interrogatories.
- 23 24. On May 5, 2017, Defendant City of North Las Vegas responded to Plaintiff
24 Edward Wheeler's Second Set of Interrogatories.
- 25 25. On June 5, 2017, Defendant City of North Las Vegas and Sergeant Travis
26 Snyder produced their First Supplement to Initial Disclosures of Production of Documents.
- 27 26. On June 8, 2017, Defendant City of North Las Vegas propounded its First
28 Set of Requests for Production of Documents to Plaintiff Edward Wheeler.

27. On June 8, 2017, Defendant City of North Las Vegas propounded its First Set of Interrogatories to Plaintiff Edward Wheeler.

28. On June 19, 2017, Plaintiff Edward Wheeler produced his First Supplement to Initial Disclosures of Production of Documents.

29. On July 28, 2017, this Court granted the parties' Stipulated Protective Order (ECF No. 52).

30. On August 3, 2018, Plaintiff Edward Wheeler responded to Defendant City of North Las Vegas's First Set of Requests for Production of Documents.

31. On August 3, 2018, Plaintiff Edward Wheeler responded to Defendant City of North Las Vegas's First Set of Interrogatories.

32. On September 22, 2017, Plaintiff Edward Wheeler propounded his Third Set of Interrogatories to Defendant City of North Las Vegas.

33. On September 22, 2017, Plaintiff Edward Wheeler propounded his Third Set of Interrogatories to Defendant City of Henderson.

34. On September 22, 2017, Plaintiff Edward Wheeler propounded his Second Set of Request for Production of Documents to Defendant City of North Las Vegas.

35. On September 22, 2017, Plaintiff Edward Wheeler propounded his First Set of Interrogatories to Defendant Sgt. Travis Snyder.

36. On September 22, 2017, Plaintiff Edward Wheeler propounded his First Set of Request for Production of Documents to Defendant Sgt. Travis Snyder.

37. On November 8, 2017, Defendant City of North Las Vegas responded to Plaintiff Edward Wheeler's Third Set of Interrogatories.

38. On November 8, 2017, Defendant Sgt. Travis Snyder responded to Plaintiff Edward Wheeler's First Set of Interrogatories.

39. On November 8, 2017, Defendant City of North Las Vegas responded to Plaintiff Edward Wheeler's Second Set of Requests for Production of Documents.

40. On November 8, 2017, Defendant Sgt. Travis Snyder responded to Plaintiff Edward Wheeler's First Set of Requests for Production of Documents.

41. On November 16, 2017, Defendant City of Henderson responded to Plaintiff Edward Wheeler's Third Set of Interrogatories.

42. On November 29, 2017, Defendants City of North Las Vegas and Sgt. Travis Snyder noticed the deposition of Plaintiff Edward Wheeler.

43. On January 9, 2018, Defendant City of Henderson produced its Second Supplement to Initial Disclosures of Production of Documents.

44. The parties anticipate that additional written discovery will be necessary.

DISCOVERY REMAINING

1. On January 23, 2018, Defendants will take the deposition of Plaintiff Edward Wheeler.

2. The deposition of parties, Fed. R. Civ. P. 30(b)(6) witness(es), and any disclosed experts will be completed by the close of discovery.

3. Additional written discovery and responses.

4. Expert disclosures.

REASONS WHY DISCOVERY WAS NOT COMPLETED

The parties aver, pursuant to Local Rule 6-1, that good cause exists for the requested extension.

The parties have recently stipulated to a Protective Order which was entered by the Court and will now provide documents subject to that order. Said documents will also be submitted for expert review. In addition, the parties are working on scheduling depositions.

Counsel for Plaintiff Edward Wheeler has a hearing on January 16, 2018 on a Petition to Unseal Search Warrant Records in *In re: Sealed Search Warrant Records Related to Stephen Craig Paddock or the Crimes Committed October 1, 2017 at the Route 91 Harvest Country Music Festival*, Eighth Judicial District Court Case No. A-17-764028-W. Counsel also has a settlement conference scheduled in *Jennifer V. Abrams v. Louis Schneider*, N.V. S.Ct. Case No. 73838 for January 17, 2018.

Further, Counsel has a Reply due on January 22, 2018, in *American Broadcasting Company et al. v. Las Vegas Metropolitan Police Department*, Eighth Judicial District Case

No. A-17-764169-W. Counsel for Plaintiff will be defending Defendants deposition of Plaintiff Edward Wheeler on January 23, 2018. Also on January 23, 2018, Counsel for Plaintiff also has an Opening Brief and Appendix in *Sankon Al-Kahifi v. State of Nevada*, Nev. S. Ct. Case No. 73800 due. Counsel also has an Answering Brief and Appendix also due on January 24, 2018 in *Clark County School District v. Las Vegas Review-Journal*, Nev. S. Ct. Case No. 73525. On January 26, 2018, Counsel for Plaintiff has a Response to a Renewed Motion for Summary Judgment due in *Elena Rodrgiuez-Malfavon v. Clark County School District*, U.S. District Court Case No. 2:12-cv-01673-APG-PAL.

On February 5, 2018, Counsel for Plaintiff has an Answering Brief in *Ballentine et al. v. Las Vegas Metropolitan Police Department et al.*, Ninth Circuit of Appeal Case No. 17-16749. Counsel also has an Opening Brief and Appendix due on February 9, 2018 in *Las Vegas Review-Journal v. City of Henderson*, Nev. S. Ct. Case No. 73287. Also that same day, Counsel has a Reply Brief due in *Deon Smalley v. State of Nevada*, Nev. S. ct. No.71701. Lastly, Counsel also has a continuation of a bench trial in a 42 U.S. § 1983 civil rights case in *Reginald Howard v. S. Foster*, U.S. District Court Case No. 2:13-cv-001368 on February 15, 2018.

Given counsel's time constraints and availability the time to complete discovery in this case has been telescoped. The parties are diligently working on the discovery in this case.

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The following is a list of the current discovery deadlines and the parties' proposed extended deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	Monday, April 9, 2018	Friday, June 8, 2018
Expert Disclosure pursuant to Fed. R. Civ. P. 26(a)(2)	Thursday, February 8, 2018	Monday, April 9, 2018
Rebuttal Expert Disclosure pursuant to Fed. R. Civ. P. 26(a)(2)	Monday, March 12, 2018	Wednesday, May 9, 2018
Interim Status Report	Thursday, February 8, 2018	Monday, April 9, 2018
Dispositive Motions	Wednesday, May 9, 2018	Monday, July 9, 2018, or at least thirty (30) days after the close of discovery.
Joint Pretrial Order	Friday, June 8, 2018	Tuesday, August 7, 2018, or at least thirty (30) days after the decision of last Dispositive Motions or further order of the Court.

Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-4 governs modifications or extension of this discovery plan and scheduling order. Any stipulation or motion must be made no later than twenty-one (21) days before the expiration of the subject deadline, and comply fully with LR 26-4. In this case, the current deadline for the expert disclosures is February 8, 2018, and thus this request is timely.

This extension request is made in good faith, jointly by the parties, and not for the purposes of delay. Trial in this matter has not yet been set. Moreover, since this request is a joint request, neither party will be prejudiced.

This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient time to conduct discovery in this case and adequately prepare their respective cases for trial.

This is the third request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the extension.

WHEREFORE, the parties respectfully request that this Court extend discovery deadlines in the above-captioned case sixty (60) days, up to and including **June 8, 2018** and the other discovery deadlines as outlined in accordance with the table above.

IT IS SO STIPULATED.

DATED this 17th day of January, 2018.

DATED this 17th day of January, 2018.

CITY OF HENDERSON

MCLETSCHIE SHELL LLC

/s/ Nancy D. Savage

/s/ Alina M. Shell

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DATED this 17th day of January, 2018.

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/s/ Robert W. Freeman, Jr.

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*Attorneys for Defendants, City of North Las Vegas
and Sergeant Travis Snyder*

ORDER

IT IS SO ORDERED.

DATED January 19, 2018



U.S. DISTRICT MAGISTRATE JUDGE